In the High Court of Punjab and Haryana at Chandigarh.

C.W.P.No. 19773 of 2006.
Date of Decision: 14.12.2006.

Sunder Lal

------Petitioner.

Versus

State of Haryana
& others -------Respondents.

Coram: Hon'ble Mr. Justice M.M.KUMAR
Hon'ble Mr. Justice M.M.S.BEDI.

Present:- Mr.B.K.Bagri, Advocate, for
the petitioner.

M.M.Kumar ,J.(Oral)

The prayer made by the petitioner is for quashing the withholding of amount of Rs. 1,36,826/- from his gratuity vide order dated 27.10.2006 (Annexure P-2). It has also been further prayed that order dated 13.11.2006(Annexure P-5) and order dated 7.12.2006 (Annexure P-7) withdrawing his second ACP and to reduce his pay scale. Further a direction has also been sought to the respondents to direct to restore second ACP scale to the petitioner without effecting any recovery. In that regard, reliance has been placed on the judgment of the Supreme Court in Commissioner & Secretary to Government of Haryana and othersVs. Ram Saroop Ganda and others (Special Leave Petition (Civil) No. 20264 of 2004).

Notice of motion .

Mr. Harish Rathee, Senior Deputy Advocate General, Haryana, accepts notice on behalf of the respondents and submits that the State will comply with the instructions dated 23.11.2006 which instruct all the officers to grant the benefit of the

judgment in Ram Saroop Ganda's case (supra) irrespective of the fact whether the person is a party to the proceedings or not. Therefore, learned State counsel points out that the writ petition can be disposed of by directing the petitioner to file a representation by placing reliance on the aforementioned instructions.

In view of the above, we deem it just and proper to dispose of the writ petition by directing the petitioner to file a detailed representation making reference to instructions dated 23.11.2006 which seek to implement the order of the Supreme Court in Ram Saroop Ganda's case (supra)without any distinction to all the employees. The petitioner may file representation within a period of two weeks from today with registered A.D. Cover and the same be disposed of as per the aforesaid instructions within period stipulated in decision of Hon'ble Supreme Court.

The writ petition is disposed of in the above terms.

(M.M. KUMAR)
JUDGE

14.12.2006. **(M.M.S. BEDI)**
Anoop **JUDGE**